

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

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**LOCAL RULES
OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
MIDDLE DISTRICT OF FLORIDA**

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**WITH AMENDMENTS
EFFECTIVE DECEMBER 1, 2000**

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Rule 1001-1

SCOPE OF RULES; SHORT TITLE

(a) These rules have been promulgated in accordance with F.R.B.P. 9029. These rules shall apply to all cases under title 11 and in all civil proceedings arising under title 11, or arising in or related to cases under title 11 in the United States Bankruptcy Court for the Middle District of Florida ("Court").

(b) These rules are intended to supplement and complement the Bankruptcy Code and Federal Rules of Bankruptcy Procedure. These rules shall be applied, construed and enforced to avoid technical delays, to permit the expeditious consideration and determination of all pending matters, and to allow the inexpensive administration of estates under the Bankruptcy Code.

(c) For good cause, the Court may suspend the requirements set forth in these rules and may order proceedings in accordance with its direction.

(d) The local rules governing civil and criminal proceedings in the United States District Court shall not apply to cases or proceedings in the Court unless otherwise ordered by the Court.

(e) These rules shall be cited as "M.D. Fla. L.B.R. ____-__." Example: "M.D. Fla. L.B.R. 2002-4."

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a) through (d) of this rule were formerly Local Rule 1.01(a) through (d). Paragraph (e) of this rule was formerly Local Rule 1.01(f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART I.
**COMMENCEMENT OF CASE;
PROCEEDINGS RELATING TO PETITION
AND ORDER FOR RELIEF**

Rule 1007-1

LISTS, SCHEDULES, & STATEMENTS

(a) The following shall be submitted with the petition for relief:

(1) Chapters 7 or 13 - Copies of the petition as specified in Local Rule 5005-2 and a creditor matrix.

(2) Chapters 9 and 11 - Copies of the petition as specified in Local Rule 5005-2, creditor matrix, Equity Security Holders Matrix (in cases involving Chapter 11 debtors), Exhibit A to Official Form No. 1 (if debtor is a corporation), list of twenty largest unsecured creditors (for Chapter 11 only), and Local Rule 1007-2 Parties in Interest List (for Chapter 11 only).

(b) In a case of an individual filing a petition commencing a bankruptcy case who is not represented by an attorney, the petition shall be accompanied by an executed statement of assistance received in connection with the filing of the case in a form available from the Clerk's Office.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 2.04(g). Paragraph (b) of this rule was formerly Local Rule 2.04(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1007-2

MAILING -- LIST OR MATRIX

(a) Master Mailing Matrix.

(1) A master mailing matrix must accompany each petition. The master mailing matrix shall be provided both in a computer readable format designated and published from time to time by the Clerk and on an Avery Label 5351, 33 block, or similar product as may be from time to time designated and published by the Clerk. The matrix in the Avery Label 5351 or similar product format shall be an original and not a duplication. In the event an attorney, bankruptcy petition preparer, or pro se debtor is unable to provide the matrix in computer readable format, the attorney or debtor shall follow such directions as the Clerk may reasonably give to facilitate the conversion of the matrix into computer readable format.

(2) The matrix submitted on paper shall include the names and addresses of the debtor, any joint debtor, the attorney for the debtor or debtors, and the United States Trustee. The matrix submitted in computer readable format shall not include that information. Thereafter, the matrix submitted in both formats shall include, in alphabetical order, the names and complete mailing addresses of all creditors and any general partners of the debtor.

(3) In Chapter 11 cases, in addition to the formal list of creditors holding the twenty (20) largest unsecured claims required pursuant to F.R.B.P. 1007(d), the debtor shall prepare and file a mailing matrix to include the names and addresses of the debtor, the debtor's attorney, the United States Trustee, and the creditors holding the twenty (20) largest unsecured claims. Upon appointment of a committee, the Clerk shall add to the mailing matrix required by this subsection the names and addresses of the committee members, counsel for the committee, if any, authorized agents of the committee, if any, and shall delete therefrom the names and addresses of the creditors holding the twenty (20) largest unsecured claims. The clerk shall also add parties to this matrix pursuant to Rule 2002-1(e) of these rules. This list shall be referred to as the "Local Rule 1007-2 Parties in Interest List."

(b) Equity Security Holders Mailing Matrix.

In addition, in cases where there are equity security holders (except publicly traded equity securities), a separate mailing matrix, titled "Equity Security Holders Matrix," shall be filed in conformance with paragraph (a) above.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a) and (b) of this rule were formerly paragraphs (e) and (f) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1009-1

AMENDMENTS TO LISTS & SCHEDULES

(a) This rule applies to amendments to schedules, petitions, lists, matrices, and statements of financial affairs,

(b) The amendment shall be made by filing the original and two copies with the Clerk, one copy for the United States Trustee and one for the trustee. Amendments must contain a caption including the case number and the title, and should only contain additional, or indicate deleted information.

(c) The amendment must be executed and verified under penalty of perjury by the debtor and attorney of record in the same manner that the item being amended was originally executed.

(d) Amendments that add ten or more creditors shall comply with the provisions of Local Rule 1007-2(a) applicable to the submission of the master mailing matrix with the original petition.

(e) The debtor shall give notice of the amendment to any entity or entities affected thereby and, where applicable, the trustee, and file a proof of service with the Clerk.

(f) Amendments that require additional notices to creditors, such as those adding additional creditors, require the prescribed filing fee.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1015-1

JOINT ADMINISTRATION/CONSOLIDATION

If a husband and a wife file a joint petition, or if an involuntary petition is filed against a husband and a wife, the trustee shall administer their estates jointly without order of the court. If the trustee, a debtor or any other party in interest desires that the trustee administer the estates separately, that party may move for an order of separate administration.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1019-1

CONVERSION -- PROCEDURE FOLLOWING CHAPTER 11 CONFIRMATION

To the extent conversion is permitted by law, a debtor may convert a Chapter 11 case after confirmation of a plan of reorganization only on order of the Court obtained by motion and hearing with notice to all creditors and parties in interest.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.06(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1020-1

CHAPTER 11 SMALL BUSINESS CASES -- GENERAL

[Abrogated]

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 1020, entitled "Election to be Considered a Small Business in a Chapter 11 Reorganization Case." This new rule was made necessary by the amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court had adopted L.B.R. 1020-1 in 1995 as an interim matter pending amendment of the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of national rule.

This amendment is effective on October 15, 1998.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04B(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1071-1

DIVISIONS -- BANKRUPTCY COURT

(a) The Middle District of Florida consists of those counties and places of holding court as designated in 28 U.S.C. § 89.

(b) The District shall be divided into four Divisions to be known as the Jacksonville, Orlando, Tampa and Ft. Myers Divisions, as follows:

(1) The Jacksonville Division shall consist of the following counties: Baker, Bradford, Citrus, Clay, Columbia, Duval, Flagler, Hamilton, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Union and Volusia. The place of holding court shall be Jacksonville.

(2) The Orlando Division shall consist of the following counties: Brevard, Lake, Orange, Osceola, and Seminole. The place of holding court shall be Orlando.

(3) The Tampa Division shall consist of the following counties: Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk and Sarasota. The place of holding court shall be Tampa.

(4) The Ft. Myers Division shall consist of the following counties: Charlotte, DeSoto, Glades, Collier, Hendry and Lee. The place of holding court shall be Ft. Myers; provided, however, the Ft. Myers docket shall be kept and administered in Tampa.

(c) All cases shall be commenced in that Division in which the domicile, residence, principal place of business, or principal assets of the person or entity that is the subject of such case have been located for the 180 days immediately preceding such commencement, or for a longer portion of 180 day period than the domicile, residence, principal place of business or principal assets of such person were located in any other Division; or in which there is pending a case under the Bankruptcy Code concerning such person's affiliate.

(d) If a case is filed in a Division other than as provided for in paragraph (c) above, the Court, on its own motion or the motion of any interested party, may order that the case be transferred to the Division as provided for in paragraph (c) above.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1073-1

ASSIGNMENT OF CASES

(a) Initial Assignment of Cases -- Generally. The Clerk shall assign all cases filed in --

(1) a Division with two or more resident judges, to an individual judge selected by utilization of a blind draw system. The blind draw system is designed to ensure that individual assignment of cases within each Division with two or more resident judges is made at random or by lot. Neither the Clerk nor any member of the Clerk's staff shall have any power or discretion in determining the judge to whom any case is assigned. The method of assignment shall be designed to prevent anyone from choosing the judge to whom a case is to be assigned, and all persons shall conscientiously refrain from attempting to circumvent this rule.

(2) a Division with one resident judge, to the individual judge resident in that Division.

(3) the Ft. Myers Division, to a judge resident in the Tampa Division as provided in a general standing order.

(b) Initial Assignment of Cases -- Special Provisions. Notwithstanding any provision of subsection (a) to the contrary --

(1) The Court may provide by general standing order that the Clerk shall assign to a particular judge cases filed only under a certain chapter or chapters of the Bankruptcy Code.

(2) The Court may provide by general standing order that cases be assigned to judges under the blind draw system in such proportions as the court may from time to time direct.

(3) The Clerk shall assign successive cases filed by or against the same debtor and multiple cases filed by or against related entities or affiliates to the judge assigned the first such case. For purposes of this subsection (b)(3), a successive case includes a case that is later refiled after it is dismissed. It shall be the duty of counsel or the petitioning party or parties, if not represented by counsel, to bring such matters to the attention of the Clerk by noting full particulars about the previous or related filings on the second page of the Voluntary Petition (Official Form No. 1) or on a separate Notice of Successive or Related Cases.

(4) No application or motion for any order of court shall be made until the case or proceeding in which the matter arises has been docketed and assigned by the Clerk as prescribed by subsection (a) of this rule, and then only to the judge to whom the case has been assigned; provided, however:

(A) When no case has previously been initiated, docketed, and assigned, emergency applications and motions arising during days or hours that the Clerk's Office is closed may be submitted to any available judge resident in the appropriate Division, or, if no judge is available in the Division, to any other judge in the District, but the case shall then be docketed and assigned by the Clerk on the next business day and shall thereafter be conducted by the judge to whom it is assigned in accordance with subsection (a) of this rule.

(B) When the judge to whom a case or proceeding has been assigned is temporarily unavailable due to illness, absence, or prolonged engagement in other judicial business, emergency applications and motions arising in the case or proceeding may be made to the other resident judge in the Division or, if more than one, to the judge who is junior in date of appointment in that Division. If no other judge is available in the Division, such applications or motions may be made to any other available judge in the District.

(c) Reassignment of Cases and Proceedings Due to Disqualification or Recusal. In the event a judge is unable, because of the entry of an order of disqualification or recusal, to preside in a case or proceeding that is pending in --

(1) a Division with more than two resident judges, the Clerk shall reassign the case or proceeding to another judge resident in that Division selected by utilization of a blind draw system.

(2) a Division with two resident judges, the Clerk shall reassign the case or proceeding to the other judge resident in that Division.

(3) a Division with one resident judge, the Clerk shall reassign the case or proceeding to a judge in another Division as provided in a general standing order.

(4) the Ft. Myers Division, the Clerk shall reassign the case or proceeding to another judge resident in the Tampa Division selected in the same manner as provided in this subsection (c) as if the case or proceeding were pending in the Tampa Division.

(d) Successive Reassignment of Cases and Proceedings Due to Disqualification or Recusal. In the event a successor judge who is reassigned a case or proceeding is unable to preside because of the entry of an order of disqualification or recusal, the Clerk shall reassign the case or proceeding --

(1) to another judge resident in that Division, if there is one who is able to preside (by utilization of a blind draw system if there is more than one remaining judge able to preside); or

(2) to another judge selected by the Chief Judge if there is no other judge resident in that Division who is able to preside.

(e) Reassignment of Cases and Proceedings for Other Reasons.

(1) Nothing contained in this rule is intended to limit the authority of the Chief Judge pursuant to 28 U.S.C. § 154(b) to assign or reassign cases and proceedings as may be necessary to ensure that the business of the Court is handled effectively and expeditiously or of any judge to reassign cases and proceedings for other appropriate reasons, such as to equalize caseloads among judges, distribute cases to new judges, and the like.

(2) The judge to whom any case or proceeding is assigned may, at any time, reassign the case or proceeding to any other consenting judge for any limited purpose or for all further purposes.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1074-1

CORPORATIONS AND OTHER NON-NATURAL PERSONS

Corporations, partnerships, trusts and other non-individual parties may appear and be heard only through counsel permitted to practice in the Court pursuant to Local Rule 2090-1.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART II.

OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

Rule 2002-1

NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) Unless the Court otherwise orders, the moving party in cases under Chapters 11, 12, and 13 is directed to give all notices required by F.R.B.P. 2002(a) and (d) in every case that involves more than fifty (50) creditors or parties in interest. However, pursuant to F.R.B.P. 2002(i), the notices required by F.R.B.P. 2002(a)(2), (3) and (6) may be mailed only to the parties on the Local Rule 1007-2 Parties in Interest List. Proof of service for each notice shall be filed with the Court in accordance with the provisions of Local Rule 7005-1.

(b) The Clerk may require the debtor, the trustee or other party in interest filing a petition, a complaint, an objection or other pleading for which a notice may be required, to provide for the preparation and the mailing of such notice as the Court may designate and to cause to be filed with the Clerk proof of service in accordance with the provisions of Local Rule 7005-1. Notwithstanding the foregoing, the Clerk will excuse a trustee in a no asset case from paying the cost of preparation and mailing of such notices.

(c) Notices shall be in such form as may be directed by the Clerk or as may be ordered by the Court. All notices shall bear the return address of the Court.

(d) The cost or expense incurred in providing such notices and related services shall be an administrative expense to be paid or reimbursed pursuant to 11 U.S.C. § 503(a). If such cost or expense is consistent with, and not in excess of, a standard schedule of charges approved by the Court, the payment for such cost or expense may be approved by the Clerk without a hearing unless a party in interest shall make a timely request for and provide an appropriate notice of the time and place of the hearing.

(e) Any party in interest upon filing with the Clerk a request for notice pursuant to F.R.B.P. 2002(i) shall be placed on the Local Rule 1007-2 Parties in Interest List and thereafter receive copies of all notices, orders and other pleadings which are served on the parties listed on the Local Rule 1007-2 Parties in Interest List. The request for notices shall be served on the trustee or debtor-in-possession, as appropriate.

(f) If the Court directs an attorney for a party to serve an order, it shall be served within three (3) days of its having been entered by the Court and the attorney shall thereafter promptly file a proof of such service in accordance with the provisions of Local Rule 7005-1.

(g) Where a party is authorized by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court to give notice of a hearing or the time in which an objection or request for hearing is required, such notice shall be on the face of the first page of such notice, pleading or other submission.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.03. Paragraphs (b) through (g) of this rule were formerly paragraphs (b) through (f) and (h) of Local Rule 2.19. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2002-4

NEGATIVE NOTICE PROCEDURE

(a) The following motions, objections, and other matters may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest requests a hearing:

(1) Motions to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to F.R.B.P. 4001(d).

(2) Motions to avoid liens on exempt property pursuant to F.R.B.P. 4003(d).

(3) Motions to use, sell, or lease property not in the ordinary course of business pursuant to F.R.B.P. 6004(a) but not motions to sell property free and clear of liens or other interests pursuant to F.R.B.P. 6004(c).

(4) Notices of abandonment pursuant to F.R.B.P. 6007(a) and motions to compel abandonment pursuant to F.R.B.P. 6007(b).

(5) Motions to approve compromises or settlements pursuant to F.R.B.P. 9019(a).

(6) Other motions, objections, and matters if permitted by the presiding judge.

(b) Motions, objections, and other matters filed pursuant to this negative notice procedure shall:

(1) Be served in the manner and on the parties as required by the provisions of the Federal Rules of Bankruptcy Procedure, Local Rule, or any order of Court applicable to motions, objections, or matters of the type made and shall be filed with the proof of such service in accordance with the provisions of Local Rule 7005-1.

(2) Contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in a form substantially as follows:

**NOTICE OF OPPORTUNITY TO
OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within —[number] days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at —[address]—, and serve a copy on the movant's attorney, —[name and address, and any other appropriate persons]—.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

(3) The number of days in which parties may object that is placed in the negative notice legend shall be 20 days except:

(i) in the case of motions to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to F.R.B.P. 4001(d), the time shall be 15 days; and

(ii) in the case of objections to proofs of claim pursuant to F.R.B.P. 3007, the time shall be 30 days.

(c) In the event a party in interest files an objection within the time permitted in the negative notice legend, the Court will schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(d) In the event no party in interest files an objection within the time permitted in the negative notice legend as computed under F.R.B.P. 9006(a) and (f), the Court will consider the matter in chambers without further notice or hearing upon the submission by the movant of a proposed form of order granting the relief. The movant shall submit the proposed order not later than ten (10) days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the Court may enter an order denying the matter without prejudice for lack of prosecution. In addition to any other requirements, the proposed form of order shall recite that:

(1) The motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 20 (or other) days of the date of service;

(2) No party filed an objection within the time permitted; and

(3) The Court therefore considers the matter to be unopposed.

(e) Nothing in this rule is intended to preclude the Court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.19A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2007.1-1

TRUSTEES & EXAMINERS (Ch. 11)

[Abrogated]

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure amended Rule 2007.1. These amendments were made necessary by amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted L.B.R. 2007.1-1 in 1995 as an interim matter pending amendment to the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of the national rule.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2015-3

TRUSTEES -- REPORTS & DISPOSITION OF RECORDS

Upon closing of a case under Chapter 7, the trustee may, upon thirty (30) days written notice to the debtor, debtor's attorney, and Internal Revenue Service, destroy any books or records in the Trustee's possession.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.19(g). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2016-1

COMPENSATION OF PROFESSIONALS

In order to be considered at the confirmation hearing, applications of attorneys, accountants, auctioneers, appraisers and other professionals for compensation from the estate of the debtor pursuant to 11 U.S.C. § 503(b)(2), (3), (4), and (5) shall be filed with the Clerk, with a copy to the debtor, debtor's attorney, United States Trustee and any trustee appointed under 11 U.S.C. §§ 1104, 1202, or 1302, thirty (30) days prior to the confirmation hearing, or such other time as the Court may order. At any hearing to consider an application for compensation, the Court may also consider any supplement to such application for services rendered after the date of such application.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2081-1

CHAPTER 11 -- GENERAL

The trustee or debtor-in-possession in a Chapter 11 case may operate the business of the debtor pursuant to 11 U.S.C. § 1108 and any order of the Court specifying terms and conditions of the operation of the debtor's business.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2090-1

ATTORNEYS -- ADMISSION TO PRACTICE

(a) Except as provided for below, no attorney shall be permitted to appear or be heard as counsel for another in any case or proceeding in the Court unless first admitted to practice in the United States District Court for the Middle District of Florida pursuant to Rule 2.01 of the Local Rules for the United States District Court for the Middle District of Florida.

(b) An attorney residing outside the State of Florida, who is not admitted to practice in the United States District Court for the Middle District of Florida, may appear without the necessity of seeking special admission to practice as provided for in subparagraph (c) below, and may also appear without general or special admission to practice in the following limited instances: the preparation and filing of a Notice of Appearance and Request For Service of Notices pursuant to F.R.B.P. 2002, the preparation and filing of a proof of claim, the attendance and inquiry at the meeting of creditors held under 11 U.S.C. § 341, and the attendance and representation of a creditor at a hearing that has been noticed to all creditors generally except the representation of a party in a contested matter or adversary proceeding.

(c) Special Admission to Practice.

(1) Any attorney residing outside the State of Florida, who is a member in good standing of the bar of any District Court of the United States other than the Middle District of Florida, may appear specially and be heard in any case or proceeding without formal or general admission; provided, however, such privilege is not abused by frequent or regular appearances in separate cases to such a degree as to constitute the maintenance of a regular practice of law in the Middle District of Florida; and provided further that, whenever a nonresident attorney appears as counsel by filing any pleading or paper in any case or proceeding pending in the Court except as specified in paragraph (b) above, the attorney shall, within ten (10) days thereafter, file a written designation and consent-to-act on the part of some member of the bar of the Middle District, resident in Florida, upon whom all notices and papers may be served and who will be responsible for the progress of the case; provided, however, the Court may waive such designation for good cause shown. The designation and consent-to-act requirement

shall be deemed satisfied by the filing of a pleading signed as co-counsel by the non-resident attorney and by the Florida resident attorney who is a member of the bar of this district.

(2) Any attorney representing the United States, or any agency thereof, having the authority of the Government to appear as its counsel, may appear specially and be heard in any case or proceeding in which the Government or such agency thereof is a party-in-interest, without formal or general admission.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.07(a)-(c)(1)-(2). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in paragraph (a) of this rule is to District Court Local Rule 2.01. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the event the District Court renumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.01.

Rule 2090-2

ATTORNEYS -- DISCIPLINE & DISBARMENT

Any attorney who appears in this Court, including those appearing pro hac vice or pursuant to the provisions of Local Rule 2090-1(c)(1) or (2), shall be deemed to be familiar with, and shall be governed by these rules; and shall also be deemed to be familiar with and governed by the Rules of Professional Conduct and other ethical limitations or requirements then governing the professional behavior of members of The Florida Bar and shall be subject to the disciplinary powers of the Court, including the processes and procedures set forth in District Court Local Rule 2.04.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.07(c)(3). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in this rule is to District Court Local Rule 2.04. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the event the District Court renumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.04.

Rule 2091-1

ATTORNEYS -- WITHDRAWALS

No attorney, having made an appearance for a creditor in a contested matter or adversary proceeding or having filed a petition on behalf of a debtor, shall thereafter abandon the case or proceeding in which the appearance was made, or withdraw as counsel for any party therein, except by written leave of Court obtained after giving ten (10) days' notice to the party or client affected thereby, and to opposing counsel.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART III.

CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

Rule 3007-1

CLAIMS -- OBJECTIONS

(a) Objections to claims shall state the legal and factual basis for the objection and the amount of the debt conceded, if any.

(b) For purposes of F.R.B.P. 3007, service of an objection to a proof of claim shall be sufficient if it is served on the claimant by mailing a copy by prepaid, first class United States mail to:

(1) the attorney for the claimant, if the attorney has filed a notice of appearance and request for notice pursuant to F.R.B.P. 2002(g); and

(2)(i) the agent or representative of the claimant who executed the proof of claim, if the name and address of the agent or representative are legibly stated in the proof of claim; or

(ii) if the name and address of the agent or representative are not legibly set forth in the proof of claim, the claimant at all addresses given for the claimant in the proof of claim. When the claimant is a domestic or foreign corporation, a partnership, or other unincorporated association, the objection shall be mailed to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the claimant.

(c) If the claimant is a governmental entity or an insured depository institution, the objection shall also be served in the manner required by F.R.B.P. 7004.

(d) All proposed orders on objections to claims shall recite in the ordering paragraph that the objection is either sustained or overruled and that the claim is either allowed or disallowed.

Notes of Advisory Committee

2000 Amendment

As set forth in new paragraph (b)(1) of this rule, objections to claim are to be served on the attorney for the claimant if the claimant's attorney has filed a F.R.B.P. 2000(g) notice of appearance and request for notice. Service on the claimant's attorney of record is in addition to service on the claimant as previously required by former paragraphs (b)(1) and (b)(2) of the rule. Under this amendment, these former paragraphs are renumbered as subparagraphs (b)(2)(i) and (b)(2)(ii).

The additional service requirement contained in this amendment is designed to remedy problems arising when an objecting party properly serves the objection on the claimant but does not also serve the claimant's counsel of record. Claimants who employ counsel in a bankruptcy case reasonably expect that their attorneys will receive notice of actions affecting their claims. See, e.g., F.R.Civ.P. 5(b). Yet attorneys who have properly entered their appearances are not regularly served when parties object to their clients' claims. This failure to notice counsel has led to the unnecessary continuation of hearings and the setting aside of orders sustaining objections when counsel for the claimant, who has received no notice, fails to respond or appear.

This amendment also harmonizes service of objections to claims with service upon a debtor under F.R.B.P. 7004(b)(9), which requires service on both the debtor and the debtor's counsel.

This amendment is effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 3012-1

VALUATION OF SECURITY -- SERVICE

A party filing a motion to determine the secured status of a claim under 11 U.S.C. § 506 and F.R.B.P. 3012 shall serve the holder of the secured claim in both the manner required by L.B.R. 3007-1(b) and (c) and the manner required by F.R.B.P. 7004.

Notes of Advisory Committee

2000 Amendment

This new local rule is designed to ensure that a motion to determine the secured status of a claim is served on the person who filed the proof of claim and the claimant's attorney, just as an objection to a claim is served on the person who filed the proof of claim and the claimant's attorney. See L.B.R. 3007-1(b) and (c).

In the past, parties have served such motions on corporate claimants in an appropriate manner under F.R.B.P. 7004, but the person within the organization with knowledge of the claim has not received the motion until well after the court has already acted on the motion. In these circumstances, the Court has had to revisit the matter, and the work of the parties and the Court has been duplicated. By ensuring that a party also serves the motion on the individual who filed the proof of claim, it is thought that problems of this sort experienced in the past can be eliminated.

This amendment is effective on December 1, 2000.

Rule 3017-2

DISCLOSURE STATEMENT -- SMALL BUSINESS CASES

[Abrogated]

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure amended Rule 2007.1. These amendments were made necessary by amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted L.B.R. 2007.1-1 in 1995 an interim matter pending amendment to the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of the national rule.

This amendment is effective on October 15, 1998.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04B(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 3018-1

BALLOTS -- VOTING ON PLANS

(a) It shall be the responsibility of the attorney for the proponent of the Chapter 11 plan to tabulate the acceptance and rejections for the plan. This tabulation shall be filed and served on the United States Trustee and any trustee appointed pursuant to 11 U.S.C. § 1104 not later than ninety-six (96) hours prior to the time set for the hearing on confirmation. The tabulation shall list for each class, the total number of claims voting, the total number of claims accepting, the total dollar amount of claims voting, total dollar amount of claims accepting, percentages of claims voting that accept the plan and percentage of dollar amount of claims voting that accept the plan. It shall be indicated for each class whether they are impaired or unimpaired and whether or not the requisite vote has been attained for each class.

(b) The form of ballot distributed to creditors shall include the address of the Court and shall indicate that ballots should be received and retained by the Clerk no later than the deadline established by order of the Court.

(c) In tabulating the ballots, the following rules shall govern:

(1) Ballots that are not signed or where a company name is not shown on the signature line will not be counted either an acceptance or rejection.

(2) Where the amount shown as owed on the ballot differs from the schedules and a proof of claim has been filed, the amount shown on the proof of claim will be used for the purpose of determining the amount voting. If no proof of claim has been filed the amount shown on the schedules must be used.

(3) Ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or a rejection.

(4) Ballots that are filed after the last date set for filing for ballots will not be counted as either an acceptance or rejection, unless leave of Court is granted.

(5) Where duplicate ballots are filed and one elects acceptance and one elects rejection, neither ballot will be counted unless the later one is designated as amending the prior one.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.05(b) through (d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 3020-1

CHAPTER 11 -- CONFIRMATION

(a) Unless otherwise ordered by the Court, any objections to confirmation in a Chapter 11 case shall be filed and served seven (7) days before the date of the hearing. The objection shall be served upon the debtor, debtor's attorney, the trustee or examiner (if any), the proponent of the plan (if not the debtor), counsel for any official committee, and the United States Trustee.

(b) The debtor shall be responsible for preparing the order of confirmation in a Chapter 11 case and submitting it to the Court for signature. The order must be submitted to the Court within ten (10) days after the hearing on confirmation. The debtor shall then be responsible for the distribution of the conformed order and copies of the confirmed plan to all creditors, the United States Trustee, those persons on the Local Rule 1007-2 Parties in Interest List, and other parties as may be designated by the Court. Such distribution must be accomplished and proof of such service filed in accordance with the provisions of Local Rule 7005-1 within ten (10) days of receipt of the Court's order.

(c) Unless otherwise ordered by the Court, the debtor shall file any adversary proceedings or contested matters contemplated by the Chapter 11 plan of reorganization and file any objections to claims no later than thirty (30) days after the entry of an order of confirmation.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.05(a).
Paragraph (b) of this rule was formerly Local Rule 3.06(b).
Paragraph (c) of this rule was formerly Local Rule 3.06(a). The
Advisory Committee Notes to the superseded rules may be helpful
in interpreting and applying the current rules.

Rule 3022-1

FINAL REPORT/DECREE (Ch. 11)

Unless extended by the Court, within thirty (30) days after the order of confirmation in a case under Chapter 11 or thirty (30) days after the disposition of all adversary proceedings, contested matters, and objections to claims, whichever is later, the attorney for the debtor shall file a certificate of substantial consummation together with a motion for final decree and proposed final decree.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.06(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 3071-1

APPLICATIONS FOR ADMINISTRATIVE EXPENSES

All requests for administrative expenses pursuant to 11 U.S.C. § 503(b)(1) shall be made by application filed:

(a) In a Chapter 7 case:

(i) by the claims bar date; or

(ii) for administrative expenses arising from the use of premises by a trustee, within (30) days after the surrender of the premises from the trustee; or

(iii) within (30) days after the occurrence of the last event giving rise to the claim.

(b) In Chapter 11, 12, or 13 cases within:

(i) fifteen (15) days prior to the hearing on confirmation, or any continued hearing on confirmation; or

(ii) thirty (30) days after the occurrence of the last event giving rise to the claim.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.20. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART IV.

THE DEBTOR: DUTIES AND BENEFITS

Rule 4003-2

LIEN AVOIDANCE

A motion to avoid a lien or liens under 11 U.S.C. § 522(f) shall be filed and served in accordance with F.R.B.P. 7004 and 9014 and may name only one creditor as respondent. A separate motion is required for each creditor whose lien or transfer is sought to be avoided. The motion shall be verified or be accompanied with an affidavit and shall describe with specificity the nature of the lien, recording information, if applicable, and the property affected with legal description or itemization, as appropriate.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.12. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART V.
COURTS AND CLERKS

Rule 5003-2

COURT PAPERS -- REMOVAL OF

(a) No person shall insert or delete, tamper or deface, make any entry or correction by interlineation or otherwise, in, from or upon any file or other record of the Court unless expressly permitted or ordered to do so by the Court. No person other than the Clerk or authorized deputies or an official copy service shall unfasten any paper in any Court file.

(b) Any person may review in the Clerk's office Court files or other papers or records in the possession of the Clerk. Files may be removed from the Clerk's office only in emergency situations or as needed in connection with a related criminal or civil court proceeding upon written permission by the Clerk which shall specify the time within which the same shall be returned.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5005-2

FILING PAPERS -- NUMBER OF COPIES

(a) Petitions:

- (1) Chapter 7 - Original plus two* copies.
- (2) Chapter 9 - Original plus five* copies.
- (3) Chapter 11 - Original plus four* copies.
- (4) Chapter 12 - Original plus three* copies.
- (5) Chapter 13 - Original plus three* copies.

(*additional copy required in Tampa Division for counter logs)

(b) The statement of financial affairs, schedules, statement of intentions and list of equity security holders shall be filed with the same number of copies as the petition. A copy of these shall also be served on the U.S. Trustee.

Notes of Advisory Committee

2000 Amendment

This amendment deletes the requirement, contained in paragraph (c), that debtors provide to the Clerk service copies for all creditors of their Chapter 13 plans. Under practices that have developed in the Court, either the debtors or the Chapter 13 trustee serves the plans on creditors. The Clerk does not. The Clerk, therefore, has no need for service copies. This amendment simply harmonizes the rule with the practice.

This amendment is effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a), (b), and (c) of this rule were formerly paragraphs (a), (b), and (d) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Paragraphs (a), (b), and (c) of this rule were formerly paragraphs (a), (b), and (d) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5005-3

FILING PAPERS -- SIZE OF PAPERS

All pleadings and other submissions and proposed orders and other papers, including attachments thereto, tendered for filing shall be typewritten, and shall be on white paper approximately eight and one-half inches wide by eleven inches long, with one and one-fourth inch margins.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.02(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5011-1

WITHDRAWAL OF REFERENCE

(a) Briefing requirements; generally.

(1) Every written (i) motion for withdrawal of the reference of a case or proceeding pursuant to 28 U.S.C. § 157(b)(5) or (d), (ii) response thereto, and (iii) any other motion, application, objection, or response that statute, the Federal Rules of Bankruptcy Procedure, these rules, an order, or the circumstances require be filed with the Clerk of this Court, but be heard and determined by the District Court, shall be accompanied upon filing and service by a legal memorandum with citation of authorities in support of, or in opposition to, the relief requested.

(2) Absent prior permission of the District Court, no party shall file any legal memorandum in excess of twenty (20) pages in length.

(3) The motions and matters within the scope of this rule shall not be deemed complete for purposes of transmittal to the Clerk of the District Court for hearing and determination until the parties have complied with the briefing requirements of this rule.

(b) Motions for withdrawal of the reference; special provisions.

(1) A motion for withdrawal, in whole or in part, of the reference of a case shall be filed with the Clerk not later than twenty (20) days after the date of the notice of the meeting of creditors mandated by 11 U.S.C. § 341 and F.R.B.P. 2003(a). Parties in interest without notice or without actual knowledge of the pendency of the case may file a motion for withdrawal of the reference not later than twenty (20) days after having acquired actual knowledge of the pendency of the case.

(2) A motion for withdrawal of the reference of a proceeding or contested matter arising in, under or related to a case that is a subject of the Order of General Reference must be filed with the Clerk not later than thirty (30) days after the filing of the initial pleading or other paper commencing the proceeding or contested matter. The United States or an officer or agency thereof shall file a motion for withdrawal of the reference no later than thirty-five (35) days after the filing of

the initial pleading or other paper commencing the proceeding or contested matter. A motion for withdrawal of a proceeding or contested matter must specifically identify the proceeding or contested matter to be withdrawn, setting forth the exact style, title and adversary number, where applicable.

(3) A motion for withdrawal of a proceeding or contested matter shall be served together with a legal memorandum on counsel of record for all parties to the proceeding or contested matter or, if a party has no counsel, on the party, and on counsel of record for the debtor, the debtor, and the United States Trustee. The opposing parties shall have ten (10) days after service of the motion to file a responsive pleading and legal memorandum with the Clerk.

(4) After expiration of the time allowed for a response, the Clerk shall transmit to the Clerk of the District Court copies of the motion and legal memorandum, response and legal memorandum, if any, and such other pleadings as the parties request in the motion and in the response, if any.

(5) Until and unless the Court or the District Court orders otherwise, the Court shall continue to hear the case or proceeding while the motion for withdrawal is under consideration in the District Court.

(6) Upon entry of an order by the District Court withdrawing the reference, the Clerk shall forward a copy of the entire case file or proceeding file to the Clerk of the District Court.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5011-2

ABSTENTION

A motion to abstain from a case or proceeding under either 11 U.S.C. § 305 or 28 U.S.C. § 1334(c) shall be filed with the Clerk not later than the time set for filing a motion to withdraw the reference pursuant to Local Rule 5011-1 of these rules; provided, however, a motion to abstain from hearing a removed proceeding arising in, under or related to a case subject to the Order of General Reference shall be timely if filed not later than twenty (20) days following the filing of the notice of removal of the proceeding pursuant to 28 U.S.C. § 1452.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5071-1

CONTINUANCE

(a) No trial, hearing or other proceeding shall be continued upon stipulation of counsel alone, but a continuance may be allowed by order of the Court for good cause shown.

(b) All motions for continuance should set forth the date and time of the hearing to be continued, the amount of time requested to elapse before the matter is to be rescheduled and the reasons therefor, the reasons for the continuance, a statement that the movant has conferred with counsel for opposing parties concerning the requested continuance, and the position of other parties concerning the motion for continuance.

(c) Counsel should submit a proposed order with the motion containing blank spaces for the Clerk to enter dates for the continued hearing, and counsel must provide copies and self-addressed stamped envelopes for all parties.

(d) All requests for continuances of meetings scheduled pursuant to 11 U.S.C. § 341 shall be directed to the U.S. Trustee.

(e) Absent unusual circumstances, all motions for continuance of trials or lengthy hearings of one hour or more must be filed at least three (3) weeks prior to the scheduled trial or hearing, and all motions for continuance of hearings of lesser duration must be filed at least two (2) weeks prior to the scheduled hearing.

(f) No hearing for which all creditors have received notice may be cancelled. In the event that a matter has been settled in the advance of such a hearing, it will still be called for hearing.

(g) On a hearing on a motion for relief from the automatic stay, a continuance will only be granted if the party seeking relief from the automatic stay waives the time limitations set forth in 11 U.S.C. § 362(e).

(h) All hearings may be continued from time to time by announcement made in open Court without further written notice.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.08(a) through (h). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5072-1

COURTROOM DECORUM

(a) The purpose of this rule is to state, for the guidance of those heretofore unfamiliar with the traditions of this Court, certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive; and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Rules of Professional Conduct or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

(b) When appearing in this Court, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:

- (1) Stand as Court is opened, recessed or adjourned.
- (2) Stand when addressing, or being addressed by the Court.
- (3) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits.
- (4) Stand at the lectern while making opening statements or closing arguments.
- (5) Address all remarks to the Court, not to opposing counsel.
- (6) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
- (7) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.

(8) Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination shall be the attorney recognized for cross examination.

(9) Counsel should request permission before approaching the bench; and any documents counsel wish to have the Court examine should be handed to the Clerk.

(10) Any paper or exhibit not previously marked for identification (see Local Rule 9070-1) should first be handed to the Clerk to be marked before it is tendered to a witness for examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(11) In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

(12) In examining a witness, counsel shall not repeat or echo the answer given by the witness.

(13) In a case tried before a jury, offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

(14) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.

(15) Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at an other time, are absolutely prohibited.

(16) The proceedings of the Court are serious and dignified. All persons appearing in Court should therefore dress in appropriate business attire consistent with their financial abilities. Among other things, a coat and tie are appropriate for a man; a dress or pants suit is appropriate for a woman.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.22. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5073-1

PHOTOGRAPHS; BROADCASTING OR TELEVISION; USE OF COMPUTERS AND COMMUNICATION DEVICES

Rule 4.11 of the Local Rules of the United States District Court for the Middle District of Florida applies in the Court in all cases under Title 11 and in all civil proceedings arising under Title 11, or arising in or related to cases under Title 11.

Notes of Advisory Committee

1998 Amendment

The local rules of the District Court generally do not apply in the Bankruptcy Court. See L.B.R. 1001-1(d). In most instances within the district, the Bankruptcy Court's facilities are now located in the same federal courthouse in which the District Court's facilities are located. It is therefore desirable to have the same rules apply in both the District Court and the Bankruptcy Court that govern the photographing, broadcasting, and televising of court proceedings, the use of computers and communication devices in court facilities, and the introduction of such equipment and devices into the building in which court proceedings are conducted. Accordingly, this amendment simply deletes the Bankruptcy Court's rule on these subjects and applies in the Bankruptcy Court the provisions of the District Court's corresponding local rule.

The text of the District Court's local rule presently is as follows:

RULE 4.11 PHOTOGRAPHS; BROADCASTING
OR TELEVISIONING; USE OF COMPUTERS
AND COMMUNICATION DEVICES

(a)(1) As approved by the Judicial Conference of the United States at its March, 1979 meeting, the taking of photographs and the recording or taping of ceremonies for the investing of judicial officers and of naturalization proceedings and the possession of necessary equipment therefor is authorized in courtrooms of this Court and the environs thereof. At least three (3) hours prior notice of the use of recording or television equipment shall be given to the presiding judge who may control the placement of such equipment in the courtroom.

(2) Otherwise, the taking of photographs, the operation of recording or transmission devices, and the broadcasting or televising of proceedings in any courtroom or hearing room of this Court, or the environs thereof, either while the Court is in session or at recesses between sessions when Court officials, attorneys, jurors, witnesses or other persons connected with judicial proceedings of any kind are present, are prohibited.

(b) In order to facilitate the enforcement of subsection (a)(2) of this rule, no photographic, broadcasting, television, sound or recording equipment of any kind (except that of Court personnel and as authorized by subsection (a)(1) thereof) will be permitted in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as is designated by the resident judges of the Division in which such building is located. Such designation shall be made by order, filed in the office of the Clerk in such division. Except that of Court personnel, cellular telephones and computer equipment are likewise prohibited in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as designated by the resident judges in the

manner set forth in the proceeding sentence, unless otherwise permitted by the judicial officer before whom the particular case or proceeding is pending. This rule does not prohibit the possession of telephonic pagers in such locations, provided that such pagers are either switched off or placed in a silent activation mode while in such locations.

(c) Employees of other federal agencies resident within the security perimeters of buildings in this District housing federal courts or proceedings, with valid agency identification, are permitted to transport any of the equipment identified above through security checkpoints for the purpose of using same, in their official capacities, within areas of such buildings not covered by subsection (b) of this rule. Said equipment shall be subject to inspection by the United States Marshals Service.

This amendment is effective on October 15, 1998

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.09. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART VI.

COLLECTION AND LIQUIDATION OF THE ESTATE

Rule 6004-1

SALE OF ESTATE PROPERTY

As to all sales by a trustee in a Chapter 7 case other than a sale free and clear of liens under 11 U.S.C. § 363(f), the trustee may sell property of the estate under 11 U.S.C. § 363(b) without order of the Court provided that the trustee complies with the following requirements:

(a) The trustee shall file a report and notice of intention to sell property of the estate without further notice of hearing stating that, if no objection or request for hearing is filed and served within twenty (20) days of the date of the report and notice, the specified property will be sold without further hearing or notice.

(b) The report and notice shall be served on all creditors in compliance with F.R.B.P. 2002 with proof of service filed in accordance with the provisions of Local Rule 7005-1.

(c) If no objection or request for hearing is filed and served within twenty (20) days from the date of the report and notice, then the trustee may sell the property without further notice or hearing.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.21. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART VII.
ADVERSARY PROCEEDINGS

Rule 7005-1

PROOF OF SERVICE

Whenever proof of service is required by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court (other than proof of initial service required to be made pursuant to F.R.B.P. 9014 or 7004), the proof shall take the following form:

(a) If made by an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the attorney may make a certificate of service stating the date and manner of service and the name and address of the person served, certified by the signature of the attorney who made the service.

(b) If made by a person other than an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the non-attorney shall make a statement under penalty of perjury stating the date and manner of service and the name and address of the person served, signed and sworn to by the non-attorney who made the service and including the non-attorney's name, address, and relation to the party on whose behalf the service is made.

(c) Where a reference is made to service on a group such as "to all creditors on the matrix," the proof of service shall attach a copy of the list or mailing matrix used. The matrix shall be one obtained from the Clerk within ten (10) days before the date of service.

(d) The proof of service shall refer to the pleading or other paper being served and shall affirmatively reflect the service of any exhibits thereto.

(e) Proof of service may appear on or be affixed to the paper served or it may be separately filed. In either event, the proof of service shall be filed promptly after the making of the service.

(f) Proof of service made in accordance with the provisions of this rule shall be taken as prima facie proof of service.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.19(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 7005-2

FILING OF DISCOVERY MATERIAL

[Abrogated]

Notes of Advisory Committee

2000 Amendment

The Court's local rules may not conflict with or duplicate the Federal Rules of Bankruptcy Procedure. See F.R.B.P. 9029(a)(1). This amendment deletes the provisions of this rule that prohibited the filing of discovery materials until they are used in a proceeding or matter. The deletion is required because the December 1, 2000, amendments to F.R.Civ.P. 5(d) provide that disclosures under Rule 26(a)(1) and (2) and discovery requests and responses under Rules 30, 31, 33, 34, and 36 must not be filed until they are used in the action. Disclosures under Rule 26(a)(3), however, are to be filed with the Court.

Pursuant to F.R.B.P. 7005, F.R.Civ.P. 5 applies in adversary proceedings. Pursuant to L.B.R. 9014-1, F.R.Civ.P. 5(a)-(d) applies in contested matters. Thus, disclosures and discovery materials in adversary proceedings and contested matters are to be filed -- or not filed -- as provided in F.R.Civ.P. 5(d).

This amendment is effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule is derived from Local Rule 2.15(f). Paragraphs (b) and (c) of this rule were formerly paragraphs (g) and (h) of Local Rule 2.15. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 7026-1

DISCOVERY -- GENERAL

(a) Unless otherwise ordered by the Court, the conference of the parties required by F.R.B.P. 7026 and F.R.Civ.P. 26(f) shall occur as soon as practicable and in any event at least five days before a scheduling conference is held or a scheduling order is due under F.R.B.P. 7016 and F.R.Civ.P. 16(b).

(b) Unless otherwise ordered by the Court, the report outlining the discovery plan required by F.R.B.P. 7026 and F.R.Civ.P. 26(f) need not be in writing and filed. It is sufficient if the report is made orally at the scheduling conference.

(c) For the guidance of counsel in preparing or opposing contemplated motions for a protective order pursuant to F.R.B.P. 7026 related to the place of taking a party litigant's deposition, or the deposition of the managing agent of a party, it is the general policy of the Court that a nonresident plaintiff or moving party may reasonably be deposed at least once in this District during the discovery stages of the case; and that a nonresident defendant or respondent who intends to be present in person at trial or evidentiary hearing may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial or evidentiary hearing as the circumstances seem to suggest. A nonresident, within the meaning of this rule, is a person residing outside the State of Florida.

Notes of Advisory Committee

2000 Amendment

This amendment is made necessary by the December 1, 2000, amendments to the Federal Rules of Civil Procedure.

Under F.R.B.P. 7026, F.R.Civ.P. 26 applies in adversary proceedings. Under F.R.B.P. 9014, F.R.B.P. 7026 also applies in contested matters. F.R.B.P. 9029(a)(1) further provides that the Court's local rules may not be inconsistent with the Federal Rules of Bankruptcy Procedure.

The December 1, 2000, amendments to F.R.Civ.P. 26 eliminate the provisions of that rule that permit courts to "opt out" of

certain of its provisions that became effective on December 1, 1993. The Court is required, therefore, to rescind the provisions of its local rules by which it "opted out" of the mandatory disclosure and conference requirements contained in F.R.Civ.P. 26(a)(1)-(3) and (f). These "opt out" provisions are presently contained in paragraphs (a) and (b) of this local rule. Because of these required rescissions, the Court is also required to rescind the initiation of discovery provisions contained in paragraph (c) of this local rule.

As a consequence of this amendment, the provisions of F.R.Civ.P. 26 are fully applicable in adversary proceedings in the Court, although the terms of the rule set forth circumstances in which the parties may stipulate or the Court may order variations in individual cases. The Court may not do so, however, by local rule or standing order. Thus, the disclosures required by F.R.Civ.P. 26(a)(1) through (3) are generally applicable in adversary proceedings; the parties must meet as required by F.R.Civ.P. 26(f); and, pursuant to F.R.Civ.P. 26(d), the parties may not seek discovery before the parties have conferred as required by F.R.Civ.P. 26(f).

Pursuant to F.R.B.P. 7005 and F.R.Civ.P. 5(d), the parties may not file with the Court the disclosures required by F.R.Civ.P. 26(a)(1) and (2) until they are used in the proceeding. The parties must file, however, the disclosures required by F.R.Civ.P. 26(a)(3).

Pursuant to F.R.B.P. 9014, F.R.B.P. 7026 applies in contested matters "unless the court otherwise directs." Thus, the Court retains the ability to direct by local rule that only portions of F.R.B.P. 7026 apply in contested matters. The Court has therefore contemporaneously promulgated new L.B.R. 9014-2 that applies F.R.B.P. 7026 to contested matters only to the extent permitted before this amendment to this local rule. Under L.B.R. 9014-2, therefore, the mandatory disclosure provisions of F.R.Civ.P. 26(a)(1)-(3) do not apply in contested matters, the parties are not required to confer as set forth in F.R.Civ.P. 26(f), and the parties may immediately seek discovery. Of course, the Court may direct the application of these Rule 26 provisions by specific order, and the parties may agree that they apply.

"If necessary to comply with [the Court's] expedited schedule for Rule 16(b) conferences," F.R.Civ.P. 26(f) does permit the Court to make local rules as to certain matters related to the Rule 26(f) conference and the discovery plan. Unlike the timing and pace of litigation in civil actions in the district court, litigation in adversary proceedings in the bankruptcy court is handled on an expedited basis. In the new provisions of this local rule appearing as new paragraphs (a) and

(b), therefore, the Court exercises this discretion in the manner the Committee believes is appropriate. The Court, of course, can vary these times by individual order.

The last paragraph of this local rule is relettered to reflect the rescission of old paragraphs (a) through (c) and the substitution of new paragraphs (a) and (b).

This amendment is effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a) through (c) of this rule were formerly paragraphs (a) through (c) of Local Rule 2.15. Paragraph (d) of this rule was formerly Local Rule 2.16(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 7030-1

DEPOSITIONS UPON ORAL EXAMINATION

Unless the Court orders otherwise, depositions upon oral examination of any person may be noticed on no less than ten (10) days notice in writing to every other party to the contested matter or adversary proceeding and to the deponent.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.15(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 7033-1

INTERROGATORIES TO PARTIES

Written interrogatories shall be so prepared and arranged that a blank space shall be provided after each separately numbered interrogatory. The space shall be reasonably calculated to enable the answering party to insert the answer within the space. The original of the written interrogatories and a copy shall be served on the party to whom the interrogatories are directed, and copies on all other parties. The answering party shall use the original of the written interrogatories for the answers and objections, if any; and the original shall be returned to the party propounding the interrogatories with copies served upon all other parties.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule is derived from Local Rule 2.15(e) and (f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 7037-1

FAILURE TO MAKE DISCOVERY: MOTIONS TO COMPEL DISCOVERY

Motions to compel discovery pursuant to F.R.B.P. 7037 shall (1) quote in full each interrogatory, question on deposition, request for admission or request for production to which the motion is addressed; (2) the objection and grounds therefor as stated by the opposing party; and (3) the reasons such objections should be overruled and the motion granted.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.16(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 7054-1

COSTS -- TAXATION/PAYMENT; ATTORNEYS FEES

In accordance with F.R.B.P. 7054, all claims for taxable costs or attorney's fees in contested matters and in adversary proceedings that are preserved by appropriate pleading or pretrial stipulation shall be asserted by separate bill of costs or motion, as appropriate, filed not later than fourteen (14) days following entry of judgment. The pendency of an appeal from the judgment shall not postpone the filing of a timely application pursuant to this rule.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.24. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 7055-2

JUDGMENTS BY DEFAULT

(a) When a party seeks a default judgment as a result of a defendant's failure to respond after being served with a complaint, if otherwise appropriate, the Court may enter a default judgment upon being provided with the following:

(1) Motion for entry of default.

(2) Proposed entry of default.

(3) Motion for judgment by default. Attached to the motion shall be an affidavit in support of the allegation set forth in the complaint.

(4) Affidavit of non-military service (where applicable).

(5) Proposed order granting motion for judgment by default.

(6) Proposed judgment.

(b) If no responsive pleading has been filed by the time of the pretrial conference conducted in an adversary proceeding, counsel for the plaintiff shall, if not previously filed, furnish the Court with the foregoing at the time of the pretrial conference for disposition as may be appropriate under the circumstances.

(c) The motion for entry of default shall state that service was duly effectuated in compliance with the Federal Rules of Bankruptcy Procedure, that no extension of time was sought or obtained by the defendant, that the defendant failed to file a responsive pleading or motion within the time specified and that the movant seeks an entry of default.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.09. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART VIII.

**APPEALS TO DISTRICT COURT
OR BANKRUPTCY APPELLATE PANEL**

Rule 8001-1

NOTICE OF APPEAL

An appeals cover sheet (available from the Clerk) shall accompany the notice of appeal or motion for leave to appeal as may be filed with the Clerk.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 4.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 8006-1

DESIGNATION OF RECORD -- APPEAL

(a) The cost of copying the items to be included in the record on appeal shall be the responsibility of the party designating the item.

(b) A transcript order form (available from the Clerk) shall accompany a request for transcript filed pursuant to F.R.B.P. 8007.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 4.04. Paragraph (b) of this rule was formerly Local Rule 4.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART IX.

GENERAL PROVISIONS

Rule 9001-1

DEFINITIONS

The definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and F.R.B.P. 9001, and the rules of construction contained in 11 U.S.C. § 102 shall also apply in these rules.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.01(e). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9004-2

CAPTION -- PAPERS, GENERAL

(a) All petitions, pleadings, motions, briefs, applications and orders tendered for filing shall contain on the first page a caption as in the Official Forms and in addition shall state in the title the name and designation of the party (e.g., Debtor, Creditor..., Plaintiff, Defendant, or the like) on whose behalf the paper is submitted, and a title descriptive of its contents.

(b) If demand for jury trial is contained within a pleading, the title of the pleading shall include the words "And Demand For Jury Trial" or the equivalent.

(c) If a pleading contains a prayer for injunctive relief pursuant to F.R.B.P. 7065, the title of the pleadings shall include the words "Injunctive Relief Sought" or the equivalent.

(d) If a motion or pleading requests an emergency hearing, the title of the motion or pleading shall include the words "Emergency Hearing Requested" or the equivalent. Emergency hearings shall only be held where direct, immediate and substantial harm will occur to the interest of an entity in property, to the bankruptcy estate, or to the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of any dispute. An emergency motion will not be acted upon or set for an emergency hearing without completion and filing of a Certificate of Necessity of Request for Emergency Hearing in the form available from the Clerk's office setting forth sufficient facts justifying the need for an emergency hearing.

(e) If a filed pleading or other submission is in support of or opposition to a matter calendared for hearing, the hearing date and time shall be placed beneath the case number.

(f) A motion, application, or objection shall include a statement of the estimated total time required for hearing.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule formerly was Local Rule 2.02(b). Paragraphs (b) through (f) of this rule formerly were paragraphs (a) through (e) of Local Rule 2.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9004-3

PAPERS -- AMENDMENTS

(a) Except for amendments to schedules, petitions, lists, matrices, and statements of financial affairs subject to the provisions of Local Rule 1009-1, unless otherwise directed by the Court, any party permitted to amend a pleading, motion or other paper filed with the Court shall file the amended pleading in its entirety with the amendments incorporated therein.

(b) Except for amended complaints, counterclaims, third party complaints or cross claims, amendments to motions, applications, or the like should designate in the caption the reference and the date of the motion, application or the like that is being amended.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.07. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-1

ATTORNEYS -- DUTIES

Unless allowed to withdraw from a case or proceeding by order of the Court pursuant to Local Rule 2091-1, counsel filing a petition on behalf of a debtor shall attend all hearings scheduled in the case or proceeding at which the debtor is required to attend under any provision of Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these rules, or order of the Court; provided, however, counsel need not attend a hearing in regard to a matter in which the debtor is not a party and whose attendance has only been required as a witness.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-2

PRO SE PARTIES; REPRESENTED PARTIES

Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person, absent prior leave of Court; nor shall any party, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-3

SANCTIONS

The Court, on its own motion or on the motion of any party in interest, may impose sanctions for failure to comply with the Local Rules, including, without limitation, dismissal of the case or the proceeding, conversion of the case, denial of the motion filed by the party, striking of pleadings or other submissions, the staying of any further proceedings until verification of compliance with the Local Rules has been filed with the Court or as may otherwise be appropriate under the circumstances.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-4

SIGNATURES

Every pleading and other submission filed on behalf of a party represented by counsel shall, in addition to full compliance with F.R.B.P. 9011, include the attorney's state bar registration number and facsimile phone number (if available).

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.02(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9014-1

SERVICE AND PROOF OF SERVICE -- CONTESTED MATTERS

That portion of F.R.B.P. 7005 represented by F.R.Civ.P. (a)-(d) applies in contested matters. Proof of service of pleadings and papers in contested matters (other than proof of initial service required to be made pursuant to F.R.B.P. 9014 or 7004) shall be made in accordance with the provisions of Local Rule 7005-1.

Notes of Advisory Committee

2000 Amendment

This is a technical amendment. No change in substance is contemplated. The amendment is effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule is new. It is needed to eliminate an ambiguity as to the service and proof of service requirements for papers in contested matters that would otherwise be created in the renumbering process.

Rule 9014-2

GENERAL PROVISIONS REGARDING DISCOVERY -- CONTESTED MATTERS

In applying the provisions of F.R.B.P. 7026 to contested matters, the court directs that:

(a) Initial and subsequent disclosure requirements described in F.R.Civ.P. 26(a)(1) through (3) are not mandatory, except as stipulated by the parties or otherwise ordered by the Court.

(b) The conference and reporting requirements of F.R.Civ.P. 26(f) are not mandatory, except as stipulated by the parties or otherwise ordered by the Court.

(c) Unless the Court orders the application of the conference requirement of F.R.Civ.P. 26(f), the parties may initiate any method of discovery immediately after service is accomplished under F.R.B.P. 7004.

Notes of Advisory Committee

2000 Amendment

Pursuant to F.R.B.P. 9014, F.R.B.P. 7026 applies in contested matters "unless the court otherwise directs." This new local rule reflects the judgment of the Committee that the mandatory disclosure requirements of F.R.Civ.P. 26(a)(1) through (3) are burdensome, unwieldy, and of no benefit in routine contested matters. In an exercise of the Court's discretion under F.R.B.P. 9014, therefore, the Court directs in paragraph (a) that these provisions are not mandatory in contested matters. The Court retains the ability to order these disclosures in individual contested matters, and the parties retain the ability to agree to apply the disclosure provisions in individual contested matters.

The provisions of paragraphs (b) and (c) logically flow from the elimination of the mandatory disclosure requirements as provided in paragraph (a). Without the mandatory disclosure requirements, the conference and reporting requirements of F.R.Civ.P. 26(f) are unnecessary. Similarly, there is no need for a discovery moratorium before that conference.

The new local rule contained here is made necessary by the December 1, 2000, amendments to the F.R.Civ.P. 26 and L.B.R. 7026-1. See the Notes of Advisory Committee as to the December 1, 2000, amendments to L.B.R. 7026-1. Although mandatory disclosures, Rule 26(f) conferences and reports, and discovery moratoriums now apply in adversary proceedings, they do not apply in contested matters as a consequence of this new local rule.

Pursuant to L.B.R. 9014-1, those portions of F.R.B.P. 7005 applying F.R.Civ.P. 5(a)-(d) apply in contested matters. As part of the December 1, 2000, amendments to the Federal Rules of Civil Procedure, F.R.Civ.P. 5 was amended as to the filing of disclosure and discovery materials. Under Rule 5(d), as amended, disclosures under Rule 26(a)(1) and (2) and discovery requests and responses under Rules 30, 31, 33, 34, and 36 must not be filed until they are used in the action. Disclosures under Rule 26(a)(3), however, are to be filed with the Court. Because F.R.Civ.P. 5(d) applies in contested matters by virtue of L.B.R. 9014-1 and applies in adversary proceedings by virtue of F.R.B.P. 7005, disclosure and discovery papers in contested matters are filed -- or not filed -- in the same circumstances as disclosure and discovery papers in adversary proceedings. L.B.R. 7005-2 formerly addressed this issue, but the Court abrogated that rule effective on December 1, 2000. See Notes of Advisory Committee as to the December 1, 2000, amendments to L.B.R. 7005-2.

This amendment is effective on December 1, 2000.

Rule 9015-1

JURY TRIAL

(a) The method of voir dire examination and exercise of challenges in selection of the jury shall be as specified by the Court. A list of the venire will be furnished to counsel only at the time the case is called for trial, and prior to commencement of voir dire examination (unless otherwise required by governing rule or statute), and must be returned to the Clerk when the jury is empaneled. No person shall copy from or reproduce, in whole or in part, a list of the venire.

(b) All requests for instructions to the jury shall be submitted in writing within the time specified by the Court. Such requests, and supplemental requests, if any, shall be marked with the name and number of the case, shall designate the party submitting the request, shall be numbered in sequence, and shall contain citation of supporting authorities, if any.

(c) No attorney or party shall undertake, directly or indirectly, to interview any juror after trial in any civil case except as permitted by this rule. If a party believes that grounds for legal challenge to a verdict exists, the party may move for an order permitting an interview of a juror or jurors to determine whether the verdict is subject to the challenge. The motion shall be served within ten (10) days after rendition of the verdict unless good cause is shown for the failure to make the motion within that time. The motion shall state the name and address of each juror to be interviewed and the grounds for the challenge that the moving party believes may exist. The presiding judge may conduct such hearings, if any, as necessary, and shall enter an order denying the motion or permitting the interview. If the interview is permitted, the Court may prescribe the place, manner, conditions, and scope of the interview.

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 9015, entitled "Jury Trials." This new rule was made necessary by the addition of 28 U.S.C. § 157(e) contained in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted paragraphs (a) through (e) of L.B.R. 9015-1 because their subject matter was not covered in the Federal Rules of Bankruptcy Procedure. These paragraphs of the local rule are now abrogated as duplicative of the national rule.

The remaining parts of the local rule, paragraphs (f) through (h), are derived from the comparable District Court Local Rule 5.01. These paragraphs are redesignated paragraphs (a) through (c), respectively.

The District Court has specifically designated all of the bankruptcy judges of the Court to conduct jury trials pursuant to 28 U.S.C. § 157(e). See District Court Order No. 94-127-MISC-J-16, entered on December 1, 1994. Although F.R.B.P. 9015(b) contemplates that the Court by local rule might establish a time by which the parties must consent to a jury trial conducted by a bankruptcy judge, this amendment does not attempt to establish such a time. Instead, the Committee is of the view that the parties and the Court should have the flexibility to allow consent to be given at any time.

This amendment is effective on October 15, 1998.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.18. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9019-1

SETTLEMENTS & AGREED ORDERS

(a) Upon the settlement of any trial or motion that will totally conclude the pending matter, counsel for the plaintiff or movant shall immediately notify the Clerk's office or chamber's personnel that the matter has been settled, and that appropriate papers to conclude the matter will be forthcoming immediately. If the hearing has not been noticed to all creditors, the Court in its discretion may cancel the hearing or may require counsel to appear at the time set for the hearing to dictate the settlement into the record.

(b) When notified that an adversary proceeding has been settled and for purposes of administratively closing the file, the court may order that a proceeding be dismissed subject to the right of any party to file a motion within fifteen (15) days thereafter (or within such other period of time as the Court may specify) for the purpose of entering a stipulated form of final order or judgment; or, on good cause shown, to reopen the proceeding for further proceedings.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.08(i) and (j). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9019-2

ALTERNATIVE DISPUTE RESOLUTION (ADR); MEDIATION

(a) Appointment of Mediators:

(1) Mediation Register. The Clerk shall establish and maintain a register of qualified attorneys who have volunteered to serve as mediators in contested matters and adversary proceedings in cases pending in the Court. The attorneys so registered shall be selected by the judges from a list of attorneys who meet the qualifications hereinafter described.

(2) Qualifications of Mediator. To qualify for service as a mediator under this rule, an attorney must meet the following minimum qualifications:

(i) Be an active member of The Florida Bar, duly licensed to practice before the courts of the State of Florida and the federal courts for the Middle District of Florida;

(ii) Have been admitted to practice in a state or federal court for at least four (4) years;

(iii) In at least ten (10) bankruptcy matters, the attorney:

(1) Has served as the attorney of record for the debtor, trustee, or committee from commencement through conclusion; or

(2) Has served as the attorney of record for a party in interest in adversary proceedings or contested matters from commencement through completion; and

(3) Has completed a mediation training course which has qualified for continuing legal education credit or as been approved by a court of competent jurisdiction; or

(4) Has been qualified as a mediator under another state or federal mediation program.

(3) Mediator Application Procedures. Each attorney who wishes to be selected as a mediator must submit an application on the court approved form to the Clerk.

(4) Removal from Register. The Clerk shall remove an attorney from the register of mediators at the attorney's request or at the direction of the Court in the exercise of its discretion. If removed at the attorney's own request, the attorney thereafter may request to be reappointed to the register without the necessity of submitting a new application. Upon receipt of such request, the Clerk shall reassign such qualified attorney to the register.

(5) Mediator's Oath. Every mediator shall take the oath or affirmation prescribed by 28 U.S.C. § 453 before serving as a mediator.

(6) Disqualification of a Mediator. Any person selected as a mediator may be disqualified for bias or prejudice as provided in 28 U.S.C. § 144 and shall be disqualified in any action in which the mediator would be required to do so if the mediator were a judge governed by 28 U.S.C. § 455.

(b) Assignment of Matters to Mediation:

(1) The Court may order the assignment of a matter or proceeding to mediation at a pretrial conference or other hearing, upon the request of any party in interest, the U.S. Trustee, or upon the Court's own motion. Notwithstanding the assignment of a matter or proceeding to mediation, the Court shall set such matter or proceeding for trial, final hearing, pretrial conference or other proceeding as is appropriate in accordance with the Federal Rules of Bankruptcy Procedure or Local Rules and procedures. The Court shall appoint a mediator and, if necessary, an alternate mediator, from the register of mediators on a blind rotation basis. If the parties stipulate to a particular person on the register of mediators, the Court may appoint that person as mediator. If the mediator is unable to serve, he or she shall file, within five (5) days after receipt of the notice of appointment, a notice of inability to serve, and the Court shall appoint the alternate as a replacement mediator. Upon assignment of a matter or proceeding to mediation, each party thereto shall comply with this rule and any requirements imposed by the Court. The Clerk shall provide copies of procedures to the parties and forms to the mediator.

(2) Notwithstanding a matter being referred to mediation, discovery and preparation for final hearing pursuant to any order setting matter for hearing or the Federal Rules of Bankruptcy Procedure shall not be stayed by mediation.

(c) Types of Cases Subject to Mediation:

(1) Unless otherwise ordered by the presiding judge, any civil action, adversary proceeding, or contested matter may be referred by the Court to mediation providing the matter, proceeding, or case has not previously been a subject of mediation in this Court.

(2) Any action, proceeding, or claim or contested matter may be referred to mediation conference upon stipulation by counsel of record.

(d) Mediation Conference:

(1) Upon consultation with the parties and their attorneys, the mediator shall fix a reasonable time and place for the mediation conference and shall give the parties at least fifteen (15) days advance written notice of the conference or such shorter time as may be agreed to by the parties. The conference shall be set as soon after the entry of the mediation order and as far in advance of the final evidentiary hearing as practicable. In keeping with the goal of prompt dispute resolution, the mediator shall have the duty and authority to establish the time for mediation activities including a deadline for the parties to act upon a settlement or upon mediated recommendation.

(2) An attorney who is responsible for each party's case shall attend the mediation conference. Each individual party and the representatives of each non-individual party shall appear with the authority to negotiate the amount and issues in dispute. The mediator shall determine when the parties are to be present in the conference room. The mediator shall report to the Court willful failure to attend the mediation conference or to participate in the mediation process in good faith, which failure may result in the imposition of sanctions by the Court.

(e) Recommendations of Mediator:

(1) The mediator shall have no obligation to make any written comments or recommendations; provided, however that the mediator in his or her discretion may furnish the attorneys for the parties with a written settlement recommendation. No copy of any such recommendation shall be filed with the Clerk or the Court.

(f) Post-Mediation Procedures:

Within ten (10) days after the mediation conference, the mediator shall file with the Court a report showing compliance or non-compliance by the parties with the mediation order and the results of the mediation. If the parties have reached an agreement regarding the disposition of the matter or proceeding, they shall prepare and submit to the Court within twenty (20) days of the filing of the mediator's report an appropriate stipulation and joint motion for approval or compromise of controversy which shall be set for hearing. Failure to file a motion to compromise controversy or motion to approve stipulation as required herein shall be a basis for the Court to impose appropriate sanction. If the mediator's report shows mediation has ended in an impasse, the matter will be tried as scheduled.

(g) Confidentiality:

Other than the official mediator's report, the mediator's questionnaire, documents and any statements made by the parties, attorneys and other participants presented or made during mediation proceedings shall, in all respects, be privileged and not reported, recorded, or placed into evidence, made known to the Court or construed for any purpose as an admission. No party shall be bound by any statement made or action taken at the mediation conference unless a settlement is reached, in which event the agreement shall be reduced to writing pursuant to paragraph (f) of this Rule. Rule 408 of the Federal Rules of Evidence shall apply to mediation proceedings.

(h) Withdrawal from Mediation:

Any action, claim, adversary proceeding or contested matter referred to mediation pursuant to these rules may be withdrawn from mediation by the presiding judge at any time upon determination for any reason the matter is not suitable for mediation. Nothing in these rules shall prohibit or prevent any party in interest, U.S. Trustee, or mediator from filing an appropriate motion to withdraw a matter from mediation for cause.

(i) Compliance with the Bankruptcy Code and Rules:

Nothing in this rule shall relieve any debtor, party in interest, or the U.S. Trustee from complying with any other orders of this Court, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules.

(j) Mediation Forms:

Each presiding judge may adopt official forms to implement these procedures.

(k) Nothing in this rule is intended to limit the authority of the presiding judge to order, or the parties to agree, to mediation:

(1) by any person selected, whether or not on the mediation register or selected on a blind rotation basis; or

(2) by procedure different from those set forth in this rule.

If the Court orders mediation other than pursuant to the methods and procedures of this rule, the provisions of paragraphs (g) and (i) shall nevertheless apply.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.23. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9027-1

REMOVAL/REMAND

The party effecting removal of a claim or cause of action pursuant to 28 U.S.C. § 1452 and F.R.B.P. 9027 shall file with the notice of removal copies of all process, pleadings, orders and other papers or exhibits of every kind, including depositions, then on file in the state court.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.06A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9033-1

REVIEW OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN NON-CORE PROCEEDINGS

(a) Every written (i) objection to proposed findings of fact and conclusions of law in non-core proceedings pursuant to F.R.B.P. 9033, (ii) response thereto, and (iii) any other motion, application, objection, or response that statute, the Federal Rules of Bankruptcy Procedure, these rules, an order, or the circumstances require be filed with the Clerk of this Court, but be heard and determined by the District Court, shall be accompanied upon filing and service by a legal memorandum with citation of authorities in support of, or in opposition to, the relief requested.

(b) Absent prior permission of the District Court, no party shall file any legal memorandum in excess of twenty (20) pages in length.

(c) The objections, motions, and matters within the scope of this rule shall not be deemed complete for purposes of transmittal to the Clerk of the District Court for hearing and determination until the parties have complied with the briefing requirements of this rule.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.05(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9036-1

NOTICE BY ELECTRONIC TRANSMISSION; SERVICE BY FACSIMILE

Service of any pleading or paper other than those required to be served in compliance with F.R.B.P. 9014 or 7004 may be made by transmitting it by facsimile to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, and the number of pages transmitted. When service is made by facsimile, a copy shall also be served by any other method permitted by F.R.B.P. 7005. Service by facsimile after 5:00 p.m. (at the point of delivery) shall be deemed to have been made on the next business day. Service by facsimile constitutes a method of hand delivery for the purpose of computing the time within which any response is required.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.02(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9070-1

EXHIBITS

(a) Prior to an evidentiary hearing or trial of an adversary proceeding or a contested matter, counsel for the parties shall mark and list any exhibits proposed to be introduced into evidence in compliance with this rule.

(b) Each exhibit shall be tagged separately with a tag containing the following information:

Rec. as _____	Ex. No. _____
For I.D. ____ or Evidence ____ (Ck. One)	
Case No. _____	Adv. No. _____
Attorney Submitting _____	
Party Submitting _____	
This ____ day of _____, 20____.	
By: _____, Deputy Clerk	

(c) Exhibits should be identified numerically commencing with number 1.

(d) All exhibits must be listed, in order, on a separate sheet of paper which shall include the case number, adversary number, debtor's name, designation as to plaintiff and defendant, and columns with the following headings: For I.D., In Evidence, Exhibit Number, Plaintiff, Defendant, Description.

(e) The original and one copy of the documentary exhibits and listing of exhibits shall be furnished to the Clerk at the commencement of the hearing or trial. An additional copy shall be made available for use by witnesses. In addition, copies of all documentary exhibits and the listing of exhibits shall be exchanged between counsel.

(f) All exhibits produced at hearing or trial which are not premarked shall be tendered to and marked by the Clerk as they are presented in evidence.

(g) Counsel will offer photographs with exhibits other than documents and will offer 8 1/2 x 11 inch reductions along with documentary exhibits larger than 8 1/2 x 14 inches. Counsel will attach exhibit tags to both exhibits and substitutes, identifying corresponding exhibits and substitutes with the same number. Unless the Court orders otherwise, at the conclusion of the trial or hearing at which the exhibits are offered, if the clerk has custody of substitutes, the clerk will return the corresponding original exhibits to counsel.

(h) If an appeal is taken, substitutes will be included in the record on appeal.

(i) Upon the expiration of thirty (30) days after an order or judgment concluding a contested matter or an adversary proceeding is entered, including the entry of an order determining any post-judgment motions, provided that no appeal is pending, or if an appeal is taken, upon filing of the mandate, the Clerk may notify the party who offered exhibits and discovery materials in connection with such contested matter or adversary proceeding of the requirement that such exhibits must be removed within thirty (30) days. If such exhibits and discovery materials are not removed within thirty (30) days from the date of such notice, the Clerk may destroy them or make such other disposition as the Court may direct.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.13. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9071-1

STIPULATIONS

No stipulation governing procedural matters between any parties, the existence of which is not conceded, will be considered by the Court unless it is made before the Court and noted in the record or is reduced to writing by the party or attorney against whom it is asserted.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.17. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9072-1

ORDERS -- PROPOSED

(a) All proposed orders shall carry a full, descriptive title detailing the nature of the motion or application ruled upon and shall state the date of the hearing.

(b) No proposed order or judgment will be signed where the date or signature is the only text on a page.

(c) All proposed orders and judgments shall be submitted with sufficient copies and stamped and addressed envelopes to be mailed to all parties who are to receive copies.

(d) All orders should carry the full case number and set forth the judge's complete signature block and should be submitted within three (3) days after the date of the hearing.

(e) Proposed orders should also recite the events that resulted in the entry of the order with phrases such as "after a hearing," "after due notice and no response having been filed," or "after due notice and a consent having been filed." Likewise if orders involve real estate that is property of the estate, a full and complete legal description is required.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.11. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

**APPENDIX:
LOCAL RULES CROSS-REFERENCE TABLE**

**OLD LOCAL RULE NUMBERS
TO
NEW LOCAL RULE NUMBERS**

<u>Old Local Rule (Pre-4/15/97)</u>	<u>New Local Rule (effective 4/15/97)</u>
1.01(a)-(d)	1001-1(a)-(d)
1.01(e)	9001-1
1.01(f)	1001-1(e)
1.02	9011-3
1.03	1071-1
1.04	1073-1
1.05	5011-1
1.05(a)	9033-1
1.06	5011-2
1.06A	9027-1
1.07(a)-(c)(1)-(2)	2090-1
1.07(c)(3)	2090-2
1.08(a)	2091-1
1.08(b)	9011-1
1.08(c)	9011-2
1.08(d)	1074-1

1.09	5073-1
1.10	5003-2
2.01	None
2.02(a)	5005-3
2.02(b)	9004-2(a)
2.02(c)	9036-1
2.02(d)	9011-4
2.03(a)-(e)	9004-2(b)-(f)
2.04(a)-(b)	5005-2(a)-(b)
2.04(c)	1007-1(b)
2.04(d)	5005-2(c)
2.04(e)-(f)	1007-2(a)-(b)
2.04(g)	1007-1(a)
2.05	1015-1
2.06	1009-1
2.07	9004-3
2.08(a)-(h)	5071-1
2.08(i)-(j)	9019-1(a)-(b)
2.09	7055-2
2.10	3007-1
2.11	9072-1
2.12	4003-2
2.13	9070-1
2.15(a)-(c)	7026-1(a)-(c)
2.15(d)	7030-1
2.15(e)-(f)	7033-1

2.15(f)-(h)	7005-2(a)-(c)
2.16(a)	7037-1
2.16(b)	7026-1(d)
2.17	9071-1
2.18	9015-1
2.19(a)	7005-1
2.19(b)-(f) & (h)	2002-1(b)-(g)
2.19(g)	2015-3
2.19(i)	None
2.19A	2002-4
2.20	3071-1
2.21	6004-1
2.22	5072-1
2.23	9019-2
2.24	7054-1
3.01	None
3.02	2081-1
3.03	2002-1(a)
3.04	2016-1
3.04A	2007.1-1
3.04B(a)	1020-1
3.04B(b)(1)-(3)	3017-2(a)-(c)
3.05(a)	3020-1(a)
3.05(b)-(d)	3018-1(a)-(c)
3.06(a)	3020-1(c)
3.06(b)	3020-1(b)

3.06(c)	3022-1
3.06(d)	1019-1
4.01	None
4.02	8001-1
4.03	8006-1(b)
4.04	8006-1(a)
None	9014-1

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

**APPENDIX:
LOCAL RULES CROSS-REFERENCE TABLE**

**NEW LOCAL RULE NUMBERS
TO
OLD LOCAL RULE NUMBERS**

<u>New Local Rule (effective 4/15/97)</u>	<u>Old Local Rule (Pre-4/15/97)</u>
1001-1(a)-(d)	1.01(a)-(d)
1001-1(e)	1.01(f)
1007-1(a)	2.04(g)
1007-1(b)	2.04(c)
1007-2(a)-(b)	2.04(e)-(f)
1009-1	2.06
1015-1	2.05
1019-1	3.06(d)
1020-1	3.04B(a)
1071-1	1.03
1073-1	1.04
1074-1	1.08(d)
2002-1(a)	3.03
2002-1(b)-(g)	2.19(b)-(f) & (h)
2002-4	2.19A
2007.1-1	3.04A

2015-3	2.19(g)
2016-1	3.04
2081-1	3.02
2090-1	1.07(a)-(c)(1)-(2)
2090-2	1.07(c)(3)
2091-1	1.08(a)
3007-1	2.10
3017-2(a)-(c)	3.04B(b)(1)-(3)
3018-1(a)-(c)	3.05(b)-(d)
3020-1(a)	3.05(a)
3020-1(b)	3.06(b)
3020-1(c)	3.06(a)
3022-1	3.06(c)
3071-1	2.20
4003-2	2.12
5003-2	1.10
5005-2(a)-(b)	2.04(a)-(b)
5005-2(c)	2.04(d)
5005-3	2.02(a)
5011-1	1.05
5011-2	1.06
5071-1	2.08(a)-(h)
5072-1	2.22
5073-1	1.09

6004-1	2.21
7005-1	2.19(a)
7005-2(a)-(c)	2.15(f)-(h)
7026-1(a)-(c)	2.15(a)-(c)
7026-1(d)	2.16(b)
7030-1	2.15(d)
7033-1	2.15(e)-(f)
7037-1	2.16(a)
7054-1	2.24
7055-2	2.09
8001-1	4.02
8006-1(a)	4.04
8006-1(b)	4.03
9001-1	1.01(e)
9004-2(a)	2.02(b)
9004-2(b)-(f)	2.03(a)-(e)
9004-3	2.07
9011-1	1.08(b)
9011-2	1.08(c)
9011-3	1.02
9011-4	2.02(d)
9014-1	None
9015-1	2.18
9019-1(a)-(b)	2.08(i)-(j)
9019-2	2.23

9027-1		1.06A
9033-1		1.05(a)
9036-1		2.02(c)
9070-1		2.13
9071-1		2.17
9072-1		2.11
None		2.01
None		2.19(i)
None		3.01
None		4.01